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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER NGUYEN, TOAN D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/647,964

Applicant(s)

SAKODA ET AL.

Examiner

TOAN D. NGUYEN

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 11-15, 17, 25 and 27-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-9, 11-15, 17, 25 and 27-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/3508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-9, 11-15, 17, 25 and 27-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1, 5-9, 11-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eng et al. (US 5,751,708) in view of Eggleston et al. (US 5,764,899) further in view of Baptist et al. (US 5,465,392).

For claims 1, 5, 7-8 and 17, Eng et al. disclose access method for broadband and narrowband networks, comprising:

the server apparatus (figure 1A, reference 101, col. 3, line 35) comprising:
a storage unit for storing the contents information file (figure 1A, reference
Storage Area 103);

a first transceiver (figure 1A, reference 102, col. 3, lines 50-56) for
communication with the terminal apparatus (figure 1A, references 10, 20 and 30) and
for receiving the request signal from the terminal apparatus requesting the contents
information file (figure 4, reference 402, col. 6, lines 22-25); and

a first controller (figure 1A, reference 101) for:
scheduling a distribution time period in which the requested contents information
file is distributed over a communication line (col. 8, lines 32-34) in accordance with the
request signal and based on a state of the communication line,

controlling the transmission of information about the distribution time period to
the terminal apparatus (col. 5, lines 38-50), and

controlling the distribution of the contents information file to the terminal
apparatus through the first transceiver in the distribution time period (col. 5, lines 38-50),
and

the terminal apparatus (figure 1A, references 10, 20 and 30, col. 3, lines 50-56)
comprising:

transmit-request (Xmt_Req) (col. 5, lines 21-25) for communication with the
server apparatus (figure 1A, reference 101);

a counter for internally measuring time (col. 6, lines 14-18); and

generating the request signal for requesting the distribution of the contents information file (col. 4, lines 7-13), for controlling the system for transmission of the requested signal to the server apparatus (figure 1A, reference 101) through the second transceiver (col. 4, lines 7-13), and for controlling the system for reception of the contents information file distributed by the server apparatus in the distribution time period by the server apparatus (col. 5, lines 38-50), wherein

first controller schedules the distribution time period for the distribution and the state of the communication line (col. 6, lines 22-31).

However, Eng et al. do not expressly disclose:

a second transceiver;

a power supply for controlling the supply for power to each portion of the terminal apparatus;

a second storage unit for storing information; and

a second controller, wherein

the request signal comprises a time limit information indicating a deadline for the distribution of the contents information file;

the first controller schedules the distribution time period based on the deadline for the distribution; and

controlling the supply of power by the power supply based on the information about the distribution time period.

In an analogous art, Eggleston et al. disclose:

a second transceiver (figure 2, reference 202, col. 5, lines 28-31);

a second storage unit for storing information (figure 2, reference 211, col. 5, line 22); and

a second controller (figure 2, reference 207, col. 5, lines 20-21), wherein the request signal comprises a time limit information indicating a deadline (interval means) for the distribution of the contents information file (col. 7, line 64 to col. 8, line 2); and

the first controller schedules the distribution time period based on the deadline (interval means) for the distribution (col. 8, lines 3-15).

Eggleston et al. disclose wherein the first controller of the server apparatus calculates an amount of charge for the distribution of the contents information file based on a length of time until the time limit for the distribution and performs processing for charging the terminal apparatus based on the calculated amount of charge (col. 7, lines 11-16, and col. 15, lines 26-41 as set forth in claim 5), wherein the first controller of the server apparatus calculates an amount of charge for the distribution of the contents information file based on an efficiency of use of a communication resource in communication between the terminal apparatus and the wireless transmission base station and performs processing for charging the terminal apparatus based on the calculated amount of charge (col. 7, lines 11-16, and col. 15, lines 26-41 as set forth in claim 7), and wherein the first controller of the server apparatus calculates cost information indicating communication costs based on the state of the communication line by region, by time band, or by time band for individual regions and controls the system for distribution of the calculated cost information to the terminal apparatus; the

second controller of the terminal apparatus generates the request signal comprising a signal including distribution information designating a desired region or desired time band or both for the distribution of the contents information file; and the server apparatus schedules the system for the distribution of the contents information file to the designated region and time band based on the request signal (col. 14, lines 2-10 as set forth in claim 8).

One skilled in the art would have recognized the second transceiver, and the second controller, and would have applied Eggleston et al.'s case client 201 in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Eggleston et al.'s method and apparatus for communicating an optimized reply in Eng et al.'s access method for broadband and narrowband networks with the motivation being to provide a transceiver (if using rf or infrared communications) and a modulator-demodulator (or modem) 202 to connect to a wireless or wireline communications network (col. 5, lines 28-31).

Furthermore, Eng et al. in view of Eggleston et al. do not expressly disclose:
a power supply for controlling the supply for power to each portion of the terminal apparatus; and

controlling the supply of power by the power supply based on the information about the distribution time period.

In an analogous art, Baptist et al. disclose:
a power supply (figure 3, reference 70) for controlling the supply for power to each portion of the terminal apparatus (figure 1, reference 24)(col. 3, lines 22-25);

controlling the supply of power by the power supply based on the information about the distribution time period (col. 3, lines 39-42).

Baptist et al. disclose wherein the controller is configured to stop the supply of power from the power supply when the reception of the content information file distributed from the server apparatus ends (col. 3, lines 51-52 as set forth in claim 17).

One skilled in the art would have recognized the power supply for controlling the supply for power to each portion of the terminal apparatus, and would have applied Baptist et al.'s battery power source 70 in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Baptist et al.'s apparatus and method for operating a wireless local area network having power conservation in Eng et al.'s access method for broadband and narrowband networks with the motivation being to control the wireless transceiver 60 (col. 3, lines 40-44).

For claim 6, Eng et al. disclose wherein the second transceiver of the terminal apparatus communicates with the server apparatus through a wireless transmission base station (col. 3, lines 45-53).

For claims 9, 11 and 14, Eng et al. disclose access method for broadband and narrowband networks, comprising:

transmit-request (Xmt_Req)(col. 5, lines 21-25) for communicating with the server apparatus (figure 1A, reference 101);

a counter for internally measuring time (col. 6, lines 14-18); and

generating a request signal for requesting the distribution of the contents information file, for controlling the transmission of the requested signal to the server apparatus (figure 1A, reference 101)(col. 4, lines 7-13), for controlling the reception of the contents information file distributed by the server apparatus in a distribution time period scheduled by the server apparatus (col. 5, lines 38-50).

However, Eng et al. do not expressly disclose:

a transceiver;

a power supply for controlling the supply for power to each portion of the terminal apparatus;

a storage unit for storing information;

for controlling the supply of power by the power supply based on the information about the distribution time period; and

a controller, and wherein the request signal comprises a signal including a time limit information indicating a deadline for the distribution of the content information file.

In an analogous art, Eggleston et al. disclose a transceiver (figure 2, reference 202, col. 5, lines 28-31); a second storage unit for storing information (figure 2, reference 211, col. 5, line 22); a controller (figure 2, reference 207, col. 5, lines 20-21), and wherein the request signal comprises a signal including a time limit information indicating a deadline (intervals means) for the distribution of the content information file, and the distribution time period is determined based on the time limit information (col. 7, line 64 to col. 8, line 2).

Eggleston et al. disclose further comprising an interface for providing information to a user, wherein the controller provides the distribution time period to the interface (col. 5, lines 25-26 as set forth in claim 11), wherein the controller receives cost information from the server apparatus and provides to the user through the interface the cost information based on a state of a communication line by region, by time band, or by time band for individual regions (col. 7, lines 14-10 as set forth in claim 14).

One skilled in the art would have recognized the transceiver, and the controller, and would have applied Eggleston et al.'s case client 201 in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Eggleston et al.'s method and apparatus for communicating an optimized reply in Eng et al.'s access method for broadband and narrowband networks with the motivation being to provide a transceiver (if using rf or infrared communications) and a modulator-demodulator (or modem) 202 to connect to a wireless or wireline communications network (col. 5, lines 28-31).

Furthermore, Eng et al. in view of Eggleston et al. do not expressly disclose:
a power supply for controlling the supply for power to each portion of the terminal apparatus; and

for controlling the supply of power by the power supply based on the information about the distribution time period.

In an analogous art, Baptist et al. disclose:
a power supply (figure 3, reference 70) for controlling the supply for power to each portion of the terminal apparatus (figure 1, reference 24)(col. 3, lines 22-25); and

for controlling the supply of power by the power supply based on the information about the distribution time period (col. 3, lines 39-42).

One skilled in the art would have recognized the power supply for controlling the supply for power to each portion of the terminal apparatus, and would have applied Baptist et al.'s battery power source 70 in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Baptist et al.'s apparatus and method for operating a wireless local area network having power conservation in Eng et al.'s access method for broadband and narrowband networks with the motivation being to control the wireless transceiver 60 (col. 3, lines 40-44).

For claim 12, Eng et al. disclose wherein the transceiver communicates with the server apparatus through a wireless transmission base station (col. 3, lines 45-56).

For claim 13, Eng et al. disclose wherein the controller generates the request signal comprising a signal including distribution information designating a desired region or desired time band or both for the distribution of the contents information file (col. 5, lines 21-30, and col. 6, lines 14-18).

5. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eng et al. (US 5,751,708) in view of Baptist et al. (US 5,465,392).

For claim 25, Eng et al. disclose access method for broadband and narrowband networks, comprising:

generating, in the terminal apparatus (figure 1, references 10, 20, and 30) a request signal requesting distribution of the contents information file (col. 4, lines 7-13),

the request signal including the time limit information indicating a deadline for the distribution of the content information file (col. 6, lines 14-18);

transmitting the request signal from the terminal apparatus to the server apparatus (figure 1A, reference 101, col. 4, lines 7-13);

scheduling, in the server apparatus a distribution time period for the distribution over a communication line (col. 8, lines 32-34) in accordance with the request signal (col. 5, lines 38-50) and based on the deadline and a state of the communication line (col. 6, lines 14-18);

transmitting information about the distribution time period from the server apparatus to the terminal apparatus (col. 5, lines 38-50),

distributing the contents information file from the server apparatus to the terminal apparatus in the distribution time period (col. 5, lines 38-50); and

receiving, in the terminal apparatus, the contents information file distributed from the server apparatus (col. 5, lines 38-50),

However, Eng et al. do not expressly disclose controlling the supply of power for one or more portions of the terminal apparatus by starting the supply of power based on the information about the distribution time period. In an analogous art, Baptist et al. disclose controlling the supply of power (figure 3, reference 70) power for one or more portions of the terminal apparatus (figure 1, reference 24)(col. 3, lines 22-25) by starting the supply of power supply based on the information about the distribution time period (col. 3, lines 39-42).

One skilled in the art would have recognized the controlling the supply of power for one or more portions of the terminal apparatus by starting the supply of power based on the information about the distribution time period, and would have applied Baptist et al.'s battery power source 70 in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Baptist et al.'s apparatus and method for operating a wireless local area network having power conservation in Eng et al.'s access method for broadband and narrowband networks with the motivation being to control the wireless transceiver 60 (col. 3, lines 40-44).

For claim 30, Eng et al. disclose wherein the terminal apparatus communicates with the server apparatus through a wireless transmission base station (col. 3, lines 45-53).

6. Claims 3-4, 15 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eng et al. (US 5,751,708) in view of Eggleston et al. (US 5,764,899) and Baptist et al. (US 5,465,392) further in view of Aitkenheadi et al. (US 5,493,695).

For claims 3-4 and 15, Eng et al. in view of Eggleston et al. and Baptist do not expressly disclose wherein the first controller of the server apparatus detects a traffic load of the communication line and distributes the contents information file when the traffic load is small. In an analogous art, Aitkenheadi et al. disclose wherein the first controller of the server apparatus detects a traffic load of the communication line and distributes the contents information file when the traffic load is small (col. 3, lines 52-54).

Aitkenheadi et al. disclose wherein the terminal apparatus further comprises an interface for providing information to a user, the server apparatus schedules the

distribution time period by estimating a period time before the time limit for the distribution when the traffic load of the communication line is small, controls notification of the distribution time period to the terminal apparatus, and schedules the distribution of the contents information file in the distribution time period (col. 5, lines 40-41 as set forth in claim 4), and wherein the terminal apparatus receives a period of time from the server apparatus and provides to the interface the period of time before the time limit for the distribution and time band in which a traffic load of a communication line is small (col. 5, lines 40-41 as set forth in claim 15); wherein the server apparatus detects a traffic load of the communication line and schedules the distribution of the contents information file when the traffic load is small (col. 3, lines 52-54 as set forth in claim 27); wherein, when receiving the request signal, the server apparatus schedules the distribution time period by estimating a period of time before the time limit for the distribution when a traffic load of the communication line is small, sends a notification of the distribution time period to the terminal apparatus, and distributes the contents information file in the distribution time period (col. 5, lines 40-41 as set forth in claim 28).

One skilled in the art would have recognized the wherein the first controller of the server apparatus detects a traffic load of the communication line and distributes the contents information file at a period of time when the traffic load is small, and would have applied Aitkenhead et al.'s traffic monitoring in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Aitkenhead et al.'s trunking radio system with frequency diversity in Eng et al.'s access method for broadband and narrowband networks with the motivation

being to provide the traffic monitoring means 25 of the controller to determine that there is more than one channel available for allocation (col. 3, lines 50-52).

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eng et al. (US 5,751,708) in view of Baptist et al. (US 5,465,392) and Aitkenhead et al. (US 5,493,695) further in view of Eggleston et al. (US 5,764,899).

For claim 29, Eng et al. in view of Baptist et al. and Aitkenhead et al. do not expressly disclose wherein the request signal included time limit information indicating a deadline for the distribution of the contents information file; wherein the server apparatus calculates an amount of charge for the distribution of the content information file based on a length of time until the time limit for the distribution and performs processing for charging the terminal apparatus based on the calculated amount of charge. In an analogous art, Eggleston et al. disclose wherein the request signal included time limit information indicating a deadline for the distribution of the contents information file (col. 7, line 64 to col. 8, line 2); wherein the server apparatus calculates an amount of charge for the distribution of the content information file based on a length of time until the time limit for the distribution and performs processing for charging the terminal apparatus based on the calculated amount of charge (col. 7 lines 11-16, and col. 15 lines 26-41 as set forth in claim 29).

One skilled in the art would have recognized the wherein the request signal included time limit information indicating a deadline for the distribution of the contents information file, and would have applied Eggleston et al.'s case client 201 in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention, to use Eggleston et al.'s method and apparatus for communicating an optimized reply in Eng et al.'s access method for broadband and narrowband networks with the motivation being to provide the client profile (col. 8, lines 1-2).

8. Claims 31-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Eng et al. (US 5,751,708) in view of Baptist et al. (US 5,465,392) further in view of Eggleston et al. (US 5,764,899).

For claims 31 and 32, Eng et al. in view of Baptist et al. do not disclose wherein the server apparatus calculates an amount of charge for the distribution of the contents information file based on an efficiency of use of a communication resource in communication between the terminal apparatus and the wireless communication base station and performs processing for charging the terminal apparatus based on the calculated amount of charge. In an analogous art, Eggleston et al. disclose wherein the server apparatus calculates an amount of charge for the distribution of the contents information file based on an efficiency of use of a communication resource in communication between the terminal apparatus and the wireless communication base station and performs processing for charging the terminal apparatus based on the calculated amount of charge (col. 7, lines 11-16, and col. 15, lines 26-41).

Eggleston et al. disclose wherein the server apparatus calculates cost information indicating communication costs based on the state of the communication line by region, by time band, or by time band for individual regions and controls the system for distribution of the calculated cost information to the terminal apparatus; the

terminal apparatus generates the signal request comprising a signal including distribution information designating a region or time band or both for the distribution of the contents information file; and the server apparatus schedules the distribution of the contents information file to the designated region and time band based on the request signal (col. 14, lines 2-10 as set forth in claim 32).

One skilled in the art would have recognized the wherein the server apparatus calculates an amount of charge for the distribution of the contents information file based on an efficiency of use of a communication resource in communication between the terminal apparatus and the wireless communication base station and performs processing for charging the terminal apparatus based on the calculated amount of charge, and would have applied Eggleston et al.'s server in Eng et al.'s end user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Eggleston et al.'s method and apparatus for communicating an optimized reply in Eng et al.'s access method for broadband and narrowband networks with the motivation being to achieve an even more accurate billing control (col. 15, lines 25-29).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./
Examiner, Art Unit 2416

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2416